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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,257	08/21/2001	Gary M. Schneider	2512/7	6474

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EXAMINER

BOYCE, ANDRE D

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 10/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/934,257

Applicant(s)

SCHNEIDER, GARY M.

Examiner

Andre Boyce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 August 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. This Final office action is in response to Applicant's amendment filed August 11, 2003. Claims 1, 4, 8, 9, 14, 15, 19, 22, 27, 29, 30, and 37-52 have been amended. Claims 1-52 are pending.

2. The previously pending objections to the specification and abstract have been withdrawn.

The previously pending rejections to claims 37-52 under 35 USC § 101 have been withdrawn.

3. Applicant's arguments with respect to claims 1-52 have been considered but are moot in view of the new ground(s) of rejection, based upon Applicant's amendment to the claims.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 1-52 are rejected under 35 U.S.C. 102(e) as being anticipated by Ell et al (US 2003/0036852).

As per claim 1, Ell et al disclose a method for developing a custom farm management plan for production agriculture pertaining to a farm (management of crop production, ¶ 0003), comprising the steps of: prompting a user to input information pertaining to said farm (agronomic data 118, ¶ 0041); obtaining said input information pertaining to said farm from said user via an electronic communications network (modem data transfer, ¶ 0047); obtaining third party industry information from at least one third party industry professional (third party controller equipment manufacturer, ¶ 0047); generating a mathematical model of the farm based on the input information and third party industry information, analyzing said mathematical model (i.e., recommendation equation module (REM) that executes mathematical equations using agronomic data contained in field attribute maps, ¶ 0008 and 0009); generating a first custom farm management plan based on said analyzing of the mathematical model (i.e., REM equations analyzed and used to develop an application plan, ¶ 0199), and transmitting said custom farm management plan to said user in a form displayable by said user (computer display 100, figure 1).

As per claim 2, Ell et al disclose the custom farm management plan comprising crop selection (crop selection input, ¶ 0042), and allocation of farm resources for seasonal or multi-seasonal cropping strategies (yield goals, ¶ 0154).

As per claim 3, Ell et al disclose farm resources comprising capital, land, labor, machinery, crop storage, irrigation system capacity and water rights, and nutrient loading, since the resources are either explicitly stated in Ell or inherent therein, since these resources are old and well known in the farming industry.

As per claim 4, Ell et al disclose the step of transmitting an instruction signal to said user via said electronic communications network (electronic transportation via modem data transfer, ¶ 0047).

As per claim 5, Ell et al disclose at least one farm management preference selected from the group of agronomic, operational and physical farm information (agronomic data 118, ¶ 0041).

As per claim 6, Ell et al disclose industry information is selected from the group of seed prices, fertilizer prices, production contracts, agriculture insurance rates, agriculture marketing information, agriculture consultant's information, agriculture accounting information (i.e., scouting information and filed boundaries, ¶ 0045), and lender's interest rates.

As per claim 7, Ell et al disclose said third party industry professional is selected from the group of input supply retailers, seed manufacturers, crop protection manufacturers, seed manufacturers' representatives, crop protection manufacturers' representatives, independent crop consultants, crop insurance agents, agricultural lenders, marketing advisors, agricultural certified public accountants, agricultural equipment manufacturers (¶ 0047), and agricultural equipment manufacturers' dealers.

As per claim 8, Ell et al disclose analyzing the mathematical model including a mathematical optimization algorithm selected from the group of linear (figures 19 and 20 and ¶ 0254), integer, mixed integer programming, and parametric programming.

As per claim 9, Ell et al disclose discloses said electronic communication network is selected from the group consisting of the Internet (¶ 0113), an Intranet, an extranet, a Local Area Network, a telephone network, a cellular network, a satellite network, a personal communication system, a television network, a wireless data network, a wireless Local Area Network, a wireless local loop/distribution system, a Voice Over Internet Protocol network, and a wide area network.

As per claim 10, Ell et al disclose the step of allowing access to said input information by said third party industry professional (agronomist, technician, sales manager, retailer, etc., ¶0044).

As per claims 11-12, Ell et al disclose said display of said custom farm management plan is in tabular (¶ 0178) and graphical (¶ 0065) forms.

As per claim 13, Ell et al disclose discloses the step of performing an iterative process to determine at least one additional farm management plan (create and run various scenarios, ¶ 0253).

As per claim 14, Ell et al disclose said iterative process comprises modifying at least one controllable variable of the mathematical model, said at least one controllable variable selected from the group of crop programs, crop rotation

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patterns (i.e., crop scouting, ¶ 0210), different amounts of production contracts, different types of production contracts, and crop insurance.

As per claim 15, Ell et al disclose said iterative process comprises modifying at least one uncontrollable variable of the mathematical model, said at least one uncontrollable variable selected from the group of crop prices, yields (¶ 0154) and production costs.

As per claim 16, Ell et al disclose said user selecting a desired farm management plan that meets desired goals from the first farm management plan and the at least one additional farm management plan (yield goal lab 280, ¶ 0154).

As per claims 17-18, Ell et al disclose said user compares between the first farm management plan and the at least one additional farm management plan based on gross income, downside risk, opportunity cost risk and resource use (i.e, products and instructions, ¶ 0254), and the desired farm management plan determined from profit maximization (profit analysis calculator 326, ¶ 0174), risk minimization, resource minimization, and environmental stewardship.

Claims 19-36 are rejected based upon the rejections of claims 1-18, respectively, since they are the system claims corresponding to the method claims.

Claims 37-52 are rejected based upon the rejections of claims 1-10 and 13-18, respectively, since they are the computer program claims corresponding to the method claims.

***Response to Arguments***

6. In the Remarks, with respect to claims 1-52 (specifically independent claims 1, 19, and 37), Applicant argues that Hargrove does not calculate a farm management plan based on economic factors, and that neither Wilcox, McCauley, nor Batte supply the deficiencies of Hargrove. The Examiner submits Ell as teaching Applicant's invention as seen in the above rejections.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Wendte (USPN 5771169) discloses analyzing statistical data for a region of a farming field.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and

any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (703) 305-1867. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

  
adb

  
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